

OS REGISTRY

19 JAN 1988

Date

11 JAN 88

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. C/IRMD/OIT, 3N13

2.

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

#1 - FOR ACTION AS APPROPRIATE.

CC: D/OIT FOR INFO.
D/OS FOR INFO.
OGC FOR INFO.

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM (Name, Office Symbol, Room Number, Building, Agency/Post)	Room No.—Bldg.
	Phone No.

5041-102

★ U.S.GPO:1986-O-491-247/20047

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

Information Security Oversight Office

Washington, DC 20405



December 29, 1987

Dear Mr. Donnelly:

A last minute rider to the Continuing Resolution for Fiscal Year 1988 (Section 630 of Public Law 100-202, copy enclosed), passed by Congress on December 21, and signed by the President on December 22, 1987, places limitations on the implementation and enforcement of the Standard Form 189, "Classified Information Nondisclosure Agreement." The Information Security Oversight Office (ISOO) will seek an Opinion of the Attorney General on the impact of this legislation on the SF 189 and the SF 189-A, "Classified Information Nondisclosure Agreement (Industrial/Commercial/Non-Government)." In the interim, and pending further instructions, please implement the following actions at once, including immediate notification to all affected subordinate activities:

1. Cease any additional implementation of existing editions of the SF 189 and SF 189-A. That is, do not have any other personnel execute the August 1983 edition of SF 189, or the June 1986 edition of SF 189-A. ISOO intends to issue as quickly as possible revised editions of each form. You will be provided further instructions as they become available.

2. Do not destroy any existing executed copies of SF 189 and SF 189-A. If at all possible, ISOO will seek to maintain their validity to the extent that they are consistent with the language of Pub. L. 100-202 and revised editions of the forms.

3. Continue the moratorium on any action against a cleared individual who has refused to execute SF 189 in the past. In all likelihood, this moratorium will be lifted when new editions of the nondisclosure agreements are available.

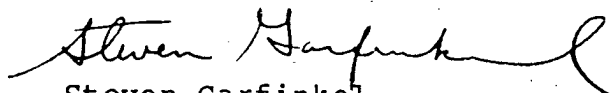
-2-

4. Brief cleared unsigned personnel fully on their obligations to protect classified information, and on the sanctions that may result from unauthorized disclosures.

5. Take all appropriate sanctions against personnel who disclose classified information without authority, whether they have signed a nondisclosure agreement or not. Consult with agency counsel, Justice Department counsel, or ISOO concerning the enforceability of executed nondisclosure agreements in taking such actions.

Please contact your ISOO liaison or me at FTS 535-7251 (commercial (202) 535-7251), if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Garfinkel", with a stylized flourish at the end.

Steven Garfinkel
Director

Mr. William F. Donnelly
Deputy Director for Administration
Central Intelligence Agency
Washington, DC 20505

Enclosure

One Hundredth Congress of the United States of America

AT THE FIRST SESSION

*Began and held at the City of Washington on Tuesday, the sixth day of January,
one thousand nine hundred and eighty-seven*

Joint Resolution

Making further continuing appropriations for the fiscal year
1988, and for other purposes.

Resolved by the Senate and House of Representatives of the
United States of America in Congress assembled,

EMPLOYEE DISCLOSURE AGREEMENTS

630. No funds appropriated in this resolution or any other act for fiscal year 1988 may be used to implement or enforce the agreements in Standard Forms 189 and 4193 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement:

(1) concerns information other than that specifically marked as classified; or, unmarked but known by the employee to be classified; or, unclassified but known by the employee to be in the process of a classification determination;

(2) contains the term 'classifiable';

(3) directly or indirectly obstructs, by requirement of prior written authorization, limitation of authorized disclosure, or otherwise, the right of any individual to petition or communicate with Members of Congress in a secure manner as provided by the rules and procedures of the Congress;

(4) interferes with the right of the Congress to obtain executive branch information in a secure manner as provided by the rules and procedures of the Congress;

(5) imposes any obligations or invokes any remedies inconsistent with statutory law.

Provided, that nothing in this section shall affect the enforcement of those aspects of such nondisclosure policy, form or agreement that do not fall within subsections (1)-(5)

of this section